

REMARKS

Claim Status

Claims 1-3, 6-7, 10-11, 16-17 and 19-23 are pending in the present application. No additional claims fee is believed to be due. Claims 4-5, 8-9, 12-15 and 18 were previously canceled without prejudice. No amendments are made herein.

Claim Language Interpretation

Applicants do not necessarily agree with the Office Action's claim language interpretation on pages 2 and 3 of the Office Action and respectfully submit that other claim language interpretations are possible in view of the Subject Application's disclosure and claim scope.

Rejections Under 35 U.S.C. §103(a) Over Thompson, KC, Ahr, Radel, Moore and Lash

Claims 1-3, 6-7, 10-11, 16-17 and 19-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thompson, et al., (US 5,281,208) (and thereby, by incorporation, Thompson (US 3,929,135)), Kimberly-Clark EP (EP 0215417), Ahr, et al. (US 4,463,045), (and thereby, by incorporation, Radel, et al. (US 4342,314)), Moore, et al. (US 4,898,642) and Lash, et al. (US 4,935,022).

Applicants respectfully submit that the references cited in the Office Action, either alone or in combination, do not disclose or suggest all of the elements of Independent Claims 1 and 10. Applicants further respectfully submit that the Office Action has not provided legally sufficient apparent reasons to combine the references cited in the Office Action.

Applicants respectfully submit that none of the references cited in the Office Action, either alone or in combination, disclose or suggest all of the elements of Independent Claims 1 and 10. In fact, the references cited in the Office Action do not disclose or suggest a disposable absorbent article comprising: (1) a topsheet; (2) a backsheet; (3) an absorbent core; (4) an acceptance element; (5) a fecal storage element; and (6) an immobilization element, especially such a disposable absorbent article having

the features recited in Independent Claims 1 and 10. As some examples, the references do not disclose or suggest “a fecal storage element disposed between at least a portion of the acceptance element and the absorbent core,” “an acceptance element is disposed between at least a portion of the topsheet and a portion of the fecal storage element,” and “the fecal storage element comprises a macro-particulate structure comprising a multiplicity of particles.” At least in view of the foregoing, the Office Action has not provided all elements of Independent Claims 1 and 10.

Further to the above, Independent Claim 1 recites, in part, “an acceptance element, wherein the acceptance element comprises one or more apertures each having an effective aperture size of between about 0.2 square mm to about 25 square mm.” The Office Action states, on pages 6 and 7, that “the *topsheet* of Thompson et al comprises or obviously comprises (Note MPEP 2131.03 and 2144.05) at least one aperture having an area of between 0.2 sq. mm to 25 sq. mm, e.g., apertures of equal size of such area, for enhanced acceptance of fluid.” (Emphasis added.) Independent Claim 1, however, recites that the *acceptance element* and *not the topsheet* comprises the above-referenced features. Furthermore, Independent Claim 1 specifically claims a “topsheet” as another element of the claim. As a result, the Office Action has *not* provided *all elements* of Independent Claim 1 because the *topsheet* referenced by the Office Action is respectfully *not the same* as the claimed *acceptance element*.

Additionally, neither Thompson ‘208 nor any other references cited in the Office Action disclose or suggest a fecal storage element, as recited in Independent Claims 1 and 10. Thompson ‘208, referring to Fig. 7, instead discloses a topsheet 9, a secondary topsheet 10, a fluid retaining core 11, and a fluid impervious backsheet 12. The purpose of the secondary topsheet 10 comprising capillary channel fibers therein is to promote fluid flow into the fluid retaining core 11 (i.e., absorbent core). See Thompson ‘208, col. 7, lines 57-62 and col. 8, lines 53-65. Figs. 8A and 8B of Thompson ‘208 comprise a similar configuration. Applicants respectfully note that the secondary topsheets of Thompson ‘208 are *simply not, and do not function as*, fecal storage elements disposed between at least a portion of the acceptance element and the absorbent core, wherein the

Appl. No. 10/757,813
Docket No. 7294C
Amdt. dated October 18, 2010
Reply to Office Action mailed on July 19, 2010
Customer No. 27752

fecal storage elements have a compressive resistance of at least about 70%, and wherein the fecal storage elements comprises a macro-particulate structure comprising a multiplicity of particles, as recited in Independent Claims 1 and 10. As a result, the Office Action has *not* provided *all elements* of Independent Claims 1 and 10, as amended.


In view of the foregoing, Applicants respectfully submit that the Office Action has not established a legally sufficient case of obviousness under 35 U.S.C. § 103(a), as the Office Action does not provide all elements of Independent Claims 1 and 10, and the Office Action does not provide legally sufficient apparent reasons to combine the references cited in the Office Action. Therefore, Applicants respectfully request withdrawal of all of the rejections in the Office Action and allowance of all pending claims.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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Date: October 18, 2010
Customer No. 27752